

REMARKS

Claims 1-15 are all the claims pending in the application.

SPECIFICATION

The abstract of disclosure is objected to because reference characters are being used. Applicant amends the abstract of disclosure, as indicated herein, and Applicant believes that the Examiner's objection to the specification is obviated.

CLAIM REJECTIONS - 35 U.S.C. § 112

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant amends claim 1, as indicated herein, and Applicant believes that the rejection of claim 1 under 35 U.S.C. § 112, second paragraph, is obviated.

PRIOR ART REJECTIONS

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hassett (U.S. Patent No. 7,012,547). Applicant traverses the 35 U.S.C. § 102 rejection of the claims as set forth below.

Claim 1 requires, *inter alia*:

communication means for transmitting and receiving information among said communication means, a server of a credit card firm, and a server owned by a settling financial institution which settles a charge requested from said credit card firm;

processing means for executing a comparison process as to both credit card charge historical information issued from said credit card firm and balance account information saved in said settling financial institution, said credit card charge historical information being contained in the transmission and reception information of said communication means;

Applicant submits that Hassett fails to teach or suggest processing means for executing a comparison process as to both credit card charge historical information issued from said credit

card firm and balance account information saved in said settling financial institution, said credit card charge historical information being contained in the transmission and reception information of said communication means, as recited in claim 1.

Hassett teaches when “the in-vehicle toll processor indicates that the toll money available is less than the calculated toll amount, or is less than a preselected programmed minimum balance, such as twenty dollars, the in-vehicle toll processor responds by internally incrementing the balance, and activating a debit message to assure that the toll facility charges the new increment to a credit or billing agency, such as a bank account or credit card company.” (col. 4, lines 11-18)

Further, Hassett teaches that the Toll Transaction Management TTM subsystem 32 “maintains records of all cash transaction--i.e., toll amount purchases--and automated toll debit transactions. These records are maintained for periodic downloading...” (col. 23, lines 37-41) Also, Hassett teaches that the TTM gathers toll collection data including vehicle-class-identifiers, transaction time, and lane-by-lane traffic activity information. (col. 23, lines 57-59)

However, Hassett does not teach or suggest the required communication of information among the communication means, a server of a credit card firm, and a server of a settling financial institution. Particularly, Hassett does not explicitly or implicitly teach or suggest that there is any communication (transmitting and receiving) of information among a server of a settling financial institution, server of a credit card firm, and communications means.

Further, Hassett does not teach or suggest comparing [1] credit card charge **historical information** from the credit card company with [2] **balance account information** from the financial settling institution, where the historical information is contained in the communication. Hassett is not taking into account any “balance account information” *from the financial settling institution* and does not retrieve “historical information” *issued* from the credit card firm, and thus, Hassett cannot compare the two, as required by claim 1. Any discussion in Hassett of a balance is with respect to the toll-money-available signal or an amount stored in the IVC memory (col. 24, line 11 and 12), but does not relate to the claimed features above.

AMENDMENT UNDER 35 U.S.C. § 1.111
U.S. SERIAL NO.: 09/839,495

Atty. Docket No.: 63352

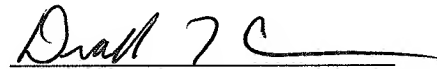
Yet further, Hassett does not relate to any credit card charge "historical information" issued from the credit card company. At best, Hassett keeps track of various records and transactions between the vehicle having the in-vehicle toll processor and the toll facility, where these transactions may be cash or credit, and Hassett keeps track of general information related to the toll facility. Nevertheless, none of the information in Hassett relates to credit card charge "historical information" as recited in claim 1. Also, activating a debit message in Hassett to assure that the toll facility charges the new increment to a credit or billing agency does not satisfy credit card "historical information" (nor "balance account information").

For the foregoing reasons, Applicant submits that Hassett does not anticipate claim 1. Also, Applicant submits that dependent claims 2-15 are patentable by virtue of their dependency from independent claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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